

Decision 06-04-057 April 27, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William Arterberry, dba Farm ACW,

Complainant,

vs.

San Diego Gas & Electric Company (U 902-M),

Defendant.

Case 05-07-001
(Filed July 5, 2001)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Pub. Util. Code § 1701.2(d) provides that adjudication cases shall be resolved within 12 months of the date the complaint was filed unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is July 5, 2006.

Based on the record in this proceeding, as described specifically in the Findings of Fact, the Commission determines that parties' interests will be served by extending this proceeding to allow the parties to hold a hearing with adequate time to prepare. As a result, a 5-1/2 month extension order is required under Pub. Util. Code § 1701.2(d).

Waiver of Comment Period

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure (Rule), the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudication proceedings. Accordingly, the otherwise applicable period for public review and comment on an extension order issued pursuant to Pub. Util. Code § 1701.2(d) is waived.

Findings of Fact

1. The complaint was filed July 5, 2005.
2. The defendant answered August 10, 2005.
3. A prehearing conference was held October 6, 2005, at which time the parties said they expected the case to settle after further discussions.
4. Between October 6, 2005 and mid-March 2006, the parties exchanged documents and discussed settlement.
5. In mid-March 2006, the parties determined that they could not settle and would require a hearing to resolve the dispute.
6. Both parties agree that an extension of time is needed to adequately prepare for a hearing and give the Commission adequate time to render a decision.
7. The normal 12-month statutory deadline for resolving this adjudication proceeding is July 5, 2006.
8. A 5-1/2 month extension for resolving this proceeding is required to serve the parties' interests and the interest of justice. It will allow the parties and the Commission sufficient time to prepare for a hearing, hold a hearing on August 28, 2006, and render a decision.

Conclusion of Law

Effective immediately, the 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended to December 21, 2006.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, July 5, 2006, is extended to December 21, 2006.

This order is effective today.

Dated April 27, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners